

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Latroy McBride,

Civil No. 08-6130 (DWF/JJG)

Plaintiff,

v.

**ORDER**

Warden Dwight Fondren,

Defendant.

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Latroy McBride, *Pro Se*, Petitioner.

Gregory G. Brooker, Assistant United States Attorney, United States Attorney's Office,  
counsel for Respondent.

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The above-entitled matter came before the Court upon the Report and  
Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections  
have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the  
files, records and proceedings herein,

**IT IS HEREBY ORDERED** that this action is **DISMISSED WITHOUT  
PREJUDICE.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 13, 2009

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court